

PUBLIC NOTICE

PUBLIC NOTICE OF DRAFT NPDES PERMIT TO DISCHARGE INTO WATERS OF THE UNITED STATES

U.S. Environmental Protection Agency
Region 5, NPDES Programs Branch - WN-16J
77 West Jackson Boulevard
Chicago, Illinois 60604
(312) 353-2124

Public Notice No.: 04-09-01-A

Public Notice Issued On: September 13, 2004

Comment period ends: October 13, 2004

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Permit No.: WI-0036498-2 (REISSUANCE)

Application No.: WI-0036498-2

Name and Address of Applicant:

Name and Address of Facility:

Lac du Flambeau Tribal Water & Sewer Dept.
Lac du Flambeau Band of Lake Superior
Chippewa Indians
P.O. Box 67
Lac du Flambeau, Wisconsin 54538

Lac du Flambeau Lagoon
Lac du Flambeau Indian Reservation
Lac du Flambeau, Wisconsin
Vilas County
NW 1/4 of the NW 1/4 of Sec. 9, Township
40N, Range 5E

Receiving Water: A forested lowland on the Reservation

DESCRIPTION OF APPLICANT'S FACILITY AND DISCHARGE

The above named applicant has applied for an NPDES Permit to discharge into the designated receiving water. The permit will be issued by the U.S. Environmental Protection Agency (EPA).

The Lac du Flambeau sewage lagoon includes four cells designed to operate in series. The primary cell is 18.4 acres in area. This cell is aerated with three Pond Doctor Aeration units. The secondary cell is 10 acres in area. This cell is aerated with one Pond Doctor Aeration unit. The third and fourth cell are 5 acres in area each and are used as seepage cells. If needed, the fourth cell has an outlet structure that discharges to a forested lowland area. Over the last five years, the permittee has only had to discharge twice (Spring 2003 and 2004). The discharges were in compliance with the existing permit limits. The average design flow rate to the lagoon is approximately 180,000 gallons per day.

The draft permit requires the applicant to meet the following effluent limitations:

Continuous Discharge Limitations

<u>Effluent Parameter</u>	<u>30-Day Average During Discharge</u>	<u>7-Day Average During Discharge</u>
	mg/L	mg/L
5-Day Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	30	45
Total Suspended Solids (TSS)	30	45
pH	6.0 S.U.(minimum) - 9 S.U.(maximum)	

The permit also requires monitoring for E. coli, Ammonia Nitrogen (NH₃-N), Total Phosphorus, and Dissolved Oxygen, compliance with 40 CFR Part 503 when sludge is used or disposed, and 40 CFR Part 403 to prevent any pass through of pollutants or any inhibition or disruption of the permittee's facility. These limits are consistent with federal regulations and are also intended to be protective of Wisconsin water quality standards where they are applicable. WDNR was contacted to ensure it would be protective of state water quality standards where applicable. Also, based on information contained in the administrative record, EPA does not believe that the issuance of the permit will have any effect on endangered or threatened species or their habitat and that no historic or cultural properties will be affected.

TENTATIVE DETERMINATION

On the basis of preliminary staff review and application of applicable standards and regulations, the Regional Administrator of EPA, Region 5 proposes to issue a permit for the discharge from the Lac du Flambeau Lagoon subject to certain effluent limitations and special conditions.

COMMENT PROCEDURES and PUBLIC HEARING

The determination to issue the NPDES permit is tentative. EPA's comment and public hearing procedures may be found at 40 CFR 124.10, 124.11, 124.12, and 124.13. The following is a summary of those procedures:

1. The comment period during which written comments on the draft permits may be submitted extends to October 13, 2004.

2. During the comment period, any interested person may request a public hearing by filing a written request which must state the issues to be raised. The last day for filing a request for public hearing is October 13, 2004.

3. In appropriate cases, including those where there is significant public interest, the EPA Regional Administrator may hold a public hearing. A decision has not yet been made as to whether a public hearing will be held for this permit. Public notice of such a hearing will be circulated in at least one newspaper in the geographical area of the discharge and to those persons on the EPA mailing list at least 30 days prior to the hearing.

4. All comments received later than October 13, 2004, may be considered in the formulation of final determinations.

5. Written comments or requests for a public hearing must be delivered or mailed to: John A. Colletti, U.S. Environmental Protection Agency, Region 5, NPDES Programs Branch - WN-16J, 77 West Jackson Boulevard, Chicago, Illinois 60604

The application and Public Notice numbers should appear next to the EPA address on the envelope and on each page of any submitted comments. It is important that all viewpoints are considered before taking action. Therefore, we greatly appreciate your time and effort in participating in the public participation process. EPA will notify the applicant and each person who has submitted written comments or requested notice of the final permit decision.

PETITION TO REVIEW

Within 30 days following the service of notice of the Regional Administrator's final permit decision, any person who filed comments on the draft permits or participated in a public hearing, if held, may petition the Environmental Appeals Board to review any condition of the permit decision. The petition should be sent to the following address: Environmental Appeals Board, MC 1103B, U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, N.W., Washington, DC 20460.

AVAILABILITY OF DOCUMENTS

The application, draft permit, including proposed effluent limitations and special conditions, statement of basis, and other documents contained in the administrative record, are available for inspection and may be copied at a cost of 15 cents per page at the Chicago Regional offices of the Environmental Protection Agency anytime between 9:00 a.m. and 4:00 p.m., Monday through Friday. You may also view the public notice, statement of basis, and draft permit on Region 5's website at "<http://www.epa.gov/region5/water/npdestek/notices.htm>".

Please bring the foregoing to the attention of anyone you know that would be interested in this matter.